



IAP12 Rec'd PCT/PTO 08 MAY 2007

PATENT
CONFIRMATION NO. 2246

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kevin HOWITT

Title: EMERGENCY EVACUATION APPARATUS FOR A BED-RIDDEN PERSON

U.S. Serial No.: 10/590,616

PCT Serial No.: PCT/GB05/00142

Filing Date: January 17, 2005

Attny Docket: 0078/01889

Examiner: NOT YET ASSIGNED

CERTIFICATE OF MAILING: I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 4, 2007. (Date of Deposit)

Szymon M. Gurda

Name of Representative

Signature

May 4, 2007

Date of Signature

Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

20 N. Wacker Drive
Chicago, IL 60606
312-621-1330

**PETITION TO REVIVE AN UNAVOIDABLY OR UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. §1.137(a) and (b)**

Dear Sir:

This petition is being submitted in response to a March 13, 2007 Notice of Abandonment. The Notice states that the Applicant failed to timely pay the required U.S. Basic National fee within the statutory period of 30 months from the January 17, 2005 international filing.

05/10/2007 6FREY 00000032 10590616 250.00 OP

Failure to pay resulted from the non-receipt of a notice to file missing parts. The attorney of record, on August 24, 2006 timely filed an application to initiate national proceedings pursuant to 35 U.S.C. 371. The application contained all required elements, except for a signed declaration and a fee check. Consequently, the attorney of record expected to receive a notice of missing parts which would allow the applicant to submit both documents. However, according to Private PAIR, no notice to file missing parts had been sent from the USPTO.

Concerned about the status of the application, the attorney of record sent a Status Inquiry on January 19, 2007 (confirmation enclosed). Rather than receiving a response to the Status Inquiry, the attorney of record received the Notice of Abandonment. Up to this time, it was impossible to verify the status of the application as access to it via Private PAIR had not been granted even though the original documents correctly identified the office of the attorney of record who has a Private PAIR account. Had the Patent Office sent a Notice of Missing Parts or had counsel been granted Private PAIR access, the abandonment would have been avoided.

Revival of this application after its unavoidable abandonment is respectfully solicited. The small entity revival fee for the instant petition is enclosed herewith per 37 C.F.R. §1.17(l). Further, the entire national fee along with the fee calculation sheet are enclosed.

Alternatively, if the above basis is not sufficient to revive the application due to unavoidable delay, revival of this application is respectfully solicited as the abandonment was unintentional. If there are any deficiencies or overpayments in the enclosed fee check, the Office is authorized to charge or credit the undersigned's PTO Account No. 501709.

I hereby declare that all statements made herein are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of

In re: Kevin Howitt
S.N.: 10/590,616
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the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing herein.

Respectfully submitted,
CHERSKOV & FLAYNIK

By: 

Michael J. Cherskov (33,664)



Confirmation of Status Inquiry

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

UFW

Applicant: HOWITT, Kevin
Serial No.: 10/590,616
Application: EMERGENCY EVACUATION APPARATUS FOR A BED-RIDDEN PERSON
Art Unit: N/A
Filing Date: August 24, 2006
Atty. Docket: 0078-01889

CERTIFICATE OF MAILING: I hereby certify that this correspondence is being deposited per 37 C.F.R. 1.8 with the United States Postal service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 1-19-07 (Date of Deposit)

Robert E. Green III
Name of Representative

Robert E. Green III
Signature

1-19-2007
Date of Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

20 North Wacker Dr.
Chicago, IL 60606
312-621-1330

STATUS INQUIRY

Sir/Madam:

Applicant requests a Status Update in the above-identified matter.

It has been nearly five months since the above-identified Application was filed but no filing receipt or missing parts notice has been received. A photocopy of our return receipt postcard evidencing said filing is enclosed herewith.

Please advise when the Applicant can expect an action on the merits.

Respectfully submitted,

Dated: January 19, 2007

Michael J. Cherskov

Michael J. Cherskov
Reg. No.: 33,664
Attorney for applicants

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 0078-01889
INTERNATIONAL APPLICATION NO. PCT/GB20005/000142	INTERNATIONAL FILING DATE Jan. 17 2005	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/590616
TITLE OF INVENTION Emergency Evacuation Apparatus for a Bed-Ridden Person		PRIORITY DATE CLAIMED Feb. 24, 2004
APPLICANT(S) FOR DO/EO/US Kevin Howitt		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 		
Items 11 to 20 below concern document(s) or information included: <ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/590,616		INTERNATIONAL APPLICATION NO. PCT/GB2005/0000142		ATTORNEY'S DOCKET NUMBER 0078-01889	
20. Other items or information: Petition to Revive an Unavoidably or Unintentionally Abandoned Application Under 37 C.F.R. 1.137(a) and (b)					
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$ 200.00	
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
All other situations.....\$200					
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))				\$ 400.00	
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100					
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400					
All other situations.....\$500					
TOTAL OF 21, 22 and 23 =				900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$ 0.00	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ 0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	18 - 20 =	0	x \$ 50	\$ 0.00	
Independent claims	3 - 3 =	0	x \$200	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 900.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$ 450.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(l)).				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 450.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 0.00	
FILING FEES ENCLOSED =				\$ 450.00	
				Amount to be refunded:	\$
				Amount to be charged	\$

PETITION FEE (SMALL ENTITY) = \$250.00

TOTAL ENCLOSED = \$ 700.00

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☒ A check in the amount of \$ 700.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 501709. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038. The PTO-2038 should only be mailed or faxed to the USPTO. However, when paying the basic national fee, the PTO-2038 may NOT be faxed to the USPTO.

ADVISORY: If filing by EFS-Web, do **NOT** attach the PTO-2038 form as a PDF along with your EFS-Web submission. Please be advised that this is **not** recommended and by doing so your **credit card information may be displayed via PAIR**. To protect your information, it is recommended paying fees online by using the electronic payment method.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Cherskov & Flaynik
20 N. Wacker Drive
Suite 1447
Chicago, IL 60606



SIGNATURE

Michael J. Cherskov

NAME

33,664

REGISTRATION NUMBER